

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

**MONICA BITZER,**

**Plaintiff,**

**vs.**

**BANK OF AMERICA CORP.,**

**Defendant.**

)  
)  
)  
)  
)  
)  
)  
)  
)  
)

**Case No. 4:05cv2222 SNL**

**ORDER**

Plaintiff Monica Bitzer filed suit against Defendant Bank of America for pregnancy discrimination under Title VII and the Missouri Human Rights Act. On March 30, 2006, Defendant filed a Motion for Summary Judgement, seeking to have Plaintiff's MHRA claims dismissed for failure to obtain a right to sue letter. As of today's date, Plaintiff has failed to respond.

Obtaining a right to sue letter is a condition precedent to bringing suit under the MHRA. Mo. Rev. Stat. § 213.111(1); *Whitmore v. O'Connor Mgmt, Inc.*, 156 F.3d 796, 800 (8th Cir. 1998). As Plaintiff has not responded to Defendant's motion and has not provided the Court with a right to sue letter from the Missouri Commission on Human Rights, she has "fail[ed] to make a showing sufficient to establish the existence of an element essential to [her] case." *Celotex Corp. v. Catrett*, 477 U.S. 317, 322 (1986). Therefore, Count II of Plaintiff's Complaint will be dismissed for failure to exhaust administrative remedies.

Accordingly,

**IT IS HEREBY ORDERED** that Defendant's Motion for Partial Summary Judgment (#8) be **GRANTED**. Count II of Plaintiff's Complaint is **DISMISSED**.

Dated this 11th day of July, 2006.

  
\_\_\_\_\_  
SENIOR UNITED STATES DISTRICT JUDGE